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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic report of States parties due in 1999

Addendum

Finland*

[23 August 1999]

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* This document contains the fifteenth periodic report of Finland due on 13 August 1999. For the thirteenth and fourteenth periodic reports of Finland, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/320/Add.2 and CERD/C/SR.1309-1310.

The information submitted by Finland in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.59/Rev.2.

The annexes to the report submitted by the Government of Finland may be consulted in the secretariat's files.

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GENERAL

Legislation

1. The reform of the provisions on fundamental rights, which entered into force in 1995 and of which an account was given in the thirteenth and fourteenth periodic report, has affected later legislative reforms.

2. The legislation concerning education has been revised as from 1 January 1999, including the Comprehensive Schools' Act (628/1998), the Upper Secondary Schools Act (629/1998) and the Act on Vocational Training (630/1998). According to these Acts, Finnish, Swedish or the Sami language is taught as the mother tongue of the student. Also the Roma language or some other native language of the student may be taught as the mother tongue. Under the new legislation children who reside in Finland permanently, thus including immigrant children, have both the duty and the right to go to comprehensive school. The new provisions make it possible to teach the native language of immigrant children as their mother tongue. Also religious education shall be arranged in accordance with the religious conviction of the children. There is education preparing immigrant children for comprehensive school, and preparatory education may also be arranged for vocational education.

3. A new Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) entered into force on 1 May 1999. The Act provides for an integration benefit to be granted to the immigrant for a period of three years, provided that the immigrant participates in the elaboration and implementation of a plan for the integration of the individual immigrant or family. The plan includes measures promoting integration, resources available as well as cooperation between the municipalities' social, health and housing authorities and school authorities, the employment administration and the industry, the Social Insurance Institution, the police, immigrant and non-governmental organizations, religious communities and parishes as well as between other local bodies.

4. Amendments have been made to the Aliens' Act since the submission of the thirteenth and fourteenth periodic report. As from 1 January 1998 the Asylum Appeals Board no longer exists. The duties of the Asylum Appeals Board have been vested in the County Administrative Court of Southern Finland, the decisions of which in certain cases can be appealed against to the Supreme Administrative Court, provided that leave to appeal has been granted. The provisions concerning a clearly unfounded application in the Act have been repealed. The provisions concerning a possibly unfounded application have been amended. An extended right of appeal, treatment of applications by one independent administrative court and hearing of applicants in certain cases have improved the legal protection of immigrants.

5. Further, an amendment to the Aliens' Act (537/1999), which entered into force on 1 May 1999, improves the legal protection of immigrants by making an explicit reference to the Administrative Procedure Act (598/1982) in order to emphasize its applicability also to matters falling within the scope of the Aliens' Act. Accordingly, the authorities are under an obligation to actively assist asylum-seekers, for example in the preparation and translation of documents, and to provide adequate counselling. The provisions of the Administrative

Procedure Act also apply to the hearing of asylum-seekers by the police, as regards the investigation of grounds for an asylum request. The right of appeal of immigrants will be significantly extended. Under the amended Act, the Government shall set the general objectives for the domestic immigration and refugee policy. The conditions for entry into the country are specified in the Act. This way the authorities are provided with clear instructions for the application of the Act. The provisions concerning the reunification of families have been clarified by defining the persons who can be considered family members. The Act also specifies the conditions for granting a residence permit and the procedure to be followed.

6. The provisions concerning elections, which were earlier in four different Acts, have been inserted in a single Elections Act (714/1998) which entered into force on 8 October 1998. The contents of the provisions given account of in the previous periodic report were nevertheless not amended.

7. The Act repealing section 31 of the Finnish Constitution Act (480/1998) and the Act amending the Finnish Nationality Act (481/1998) entered into force on 15 August 1998. Competence in all matters concerning Finnish nationality was transferred to the Directorate of Immigration. At the same time it became possible to appeal against decisions concerning nationality. A decision made by the Directorate of Immigration by virtue of the Nationality Act may be appealed against to the County Administrative Court of Southern Finland. The Act will also be applied to matters which were pending before 15 August 1998.

8. In connection with the fundamental rights reform of 1995, an Act concerning the publicizing of administrative practice (621/1999) was passed. The Act will enter into force on 1 December 1999. A Personal Data Act (523/1999) entered into force on 1 June 1999. An Assembly Act will enter into force in September 1999. A government bill on legislation relating to the exercise of freedom of speech has been under preparation. The passing of the Bill, however, has been left to the new Parliament that began its session after the Parliamentary elections in the spring of 1999.

9. The Personal Data Act contains provisions on the prohibition of the treatment of delicate information and on exceptions allowed thereto. Personal data describing or intended to describe race or ethnic origin are considered, among others, as delicate information. Section 3 (2) of the Assembly Act provides for a prohibition of discrimination that has to be complied with when public meetings and gatherings are being arranged:

> Section 3
>
> "General Principles for Arranging a Meeting or Gathering
>
> No one shall, without acceptable grounds, when arranging a public meeting or gathering, be afforded a different status on account of national or ethnic origin, sex, religion, conviction, opinion, state of health, disability or any other reason related to the person."

The provision corresponds mainly to the prohibition of discrimination in section 5 (2) of the existing Constitution Act and section 6 (2) of the new Constitution, as well as chapter 11, section 9 of the Penal Code, which is a general penal provision prohibiting discrimination. Section 25 (1) of the Assembly Act contains a reference to the aforesaid provision of the Penal Code.

10. The aim is to amend the legislation on the exercise of freedom of speech so as to make the new provisions applicable to any mass media, regardless of recording, publication and distribution techniques. The new provisions would replace the Act on Freedom of the Press (1/1919), the Act on Responsibility for Broadcasting (219/1971) and chapter 6 of the Cable Transmission Act (307/1987). It would be up to the Prosecutor General to decide whether to press charges for an offence which is based on the contents of a published message and is subject to public prosecution. Furthermore, the right of action in respect of violations of the Act on the Freedom of the Press would be transferred from the Ministry of Justice to the Prosecutor General.

11. Parliament approved the new Constitution (HE 1/1998 vp) in early June 1999. The Constitution, which will enter into force on 1 March 2000, contains those provisions on fundamental rights that were incorporated in the Constitution Act in 1995, mostly unaltered. Section 125 of the Constitution contains a provision, under which Finnish citizenship could be a qualifying requirement for certain public offices and duties. The Constitution no longer explicitly lists those offices and duties to which only a Finnish citizen can be appointed. According to the rationale behind the government Bill, the restrictions for the granting of citizenship shall be limited and based on well-founded reasons.

International conventions

12. Already in 1996 the Committee on the Elimination of Racial Discrimination recommended that Finland ratify International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and in March 1999 it reiterated its concern over the fact that this had not been done yet. Also, the Committee on Human Rights, in 1998, paid attention to the fact that the land dispute with the Sami remains unsolved. The ILO too has tried to expedite the ratification of the Convention. However, the ratification of the Convention is hindered because no progress on the issue of the land rights of the Sami has been made. Reference is made to information given under the sub-heading "International conventions" of the section on article 2 in the present report, where the preparations for a possible ratification of the Convention are dealt with in more detail.

13. The Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages entered into force in 1998. Finland submitted its initial reports on the implementation of the said Conventions in early 1999 (appendices 1 and 2).

Organs supervising discrimination

Parliamentary Ombudsman

14. As stated in the previous report, the Parliamentary Ombudsman and the Chancellor of Justice of the Council of State were assigned, in connection with the fundamental rights reform of 1995, the special duty of supervising the implementation of fundamental rights and human rights. In addition to the investigation of complaints made by citizens, the Parliamentary Ombudsman and the Chancellor of Justice have the right to intervene on their own initiative in matters that come to their attention. As requested by the Committee for Constitutional Law of Parliament, the annual reports submitted to Parliament by both the Parliamentary Ombudsman and the Chancellor of Justice of the Council of State will contain a specific section concerning the implementation of fundamental rights and human rights.

15. The capacity of the Parliamentary Ombudsman to reach decisions has been increased by the creation of another Deputy Ombudsman post with effect from 1 September 1998. The functions of the Parliamentary Ombudsman, in his capacity as a guardian of legality and the rule of law, cover in particular the elimination of racial discrimination and the follow-up of the enforcement of minority rights. However, the supervision of legality and the rule of law by the Parliamentary Ombudsman is restricted to the supervision of public authorities and civil servants and other persons performing public functions.

16. The number of complaints concerning discrimination and minority rights of the Sami people, the Roma people and immigrants has not been substantial in the past few years. According to a rough estimate, such complaints constitute a small percentage of all the complaints received by the Parliamentary Ombudsman. For the time being, no separate statistics on the complaints concerning discrimination and minority rights are compiled in the Office of the Parliamentary Ombudsman. So far, the section on fundamental rights and human rights in the annual report of the Parliamentary Ombudsman has mainly followed the system adopted in the chapter on fundamental rights in the Constitution Act. In accordance with the new division of cases between the Parliamentary Ombudsman and the Deputy Parliamentary Ombudsmen, as from September 1998, issues relating to the Sami people and issues relating to foreigners have been dealt with separately. Also, language issues form a separate group whereas issues relating to the Roma people have not been separated into a group of their own so far.

Ombudsman against Ethnic Discrimination

17. The Committee on the Elimination of Racial Discrimination has welcomed the preparations for the establishment of the office of an Ombudsman against Ethnic Discrimination to replace the Ombudsman for Aliens. As from 1 March 1999, the Office of the Ombudsman for Aliens, previously subordinate to the Ministry of Social Affairs and Health, has been subordinate to the Ministry of Labour. Preparations were initiated in the spring of 1999 for extending the field of activity of the Ombudsman for Aliens to cover also ethnic minorities and ethnic discrimination and confirming the competence of the Ombudsman, for the purpose of changing the name of the Ombudsman into Ombudsman against Ethnic Discrimination. The Ministry of Labour aims at completing the reform in 2000-2001.

Advisory boards and commissions

Advisory Board for Ethnic Relations (formerly Advisory Board for Refugee and Migrant Affairs)

18. Between 1994 and 1998 the Advisory Board for Refugee and Migrant Affairs (PAKSI) carried out a programme of action called "Towards a tolerant Finland", referred to in the previous report, the aim of which was to encourage authorities and organizations to promote good ethnic relations. The programme of action was financed by the Ministry of the Interior, the Ministry of Education and the Ministry of Social Affairs and Health. The need for a new campaign or programme of action for the year 2000 will be assessed on the basis of experience gained and of the effects of the programme of action.

19. A new Decree concerning the Advisory Board for Refugee and Migration Affairs entered into force on 1 March 1998. By an amendment to the Decree, the name of the Advisory Board was changed to the Advisory Board for Ethnic Relations (ETNO). Compared with the earlier body, the Advisory Board has new duties relating to ethnic relations and prevention of racism. Instead of one member and one substitute member, 13 of the total of 27 members of the new Advisory Board represent immigrants and other ethnic communities, a fact also welcomed by the Committee on the Elimination of Racial Discrimination. Moreover, the communities themselves have elected their members and substitute members. Such extensive representation of immigrants on the new Advisory Board is in line with the purpose of the new Advisory Board, which is to offer a chance for immigrants and ethnic minorities to influence society.

20. The former Advisory Board aimed at increasing the participation of immigrants and traditional minorities by designating persons representing these groups as members of different sections of the Advisory Board. The new composition of the Advisory Board makes it possible to improve interaction between the ministries and their subordinate authorities, different parties of the municipal labour markets, religious communities, non-governmental organizations, immigrants and traditional minorities. The Advisory Board for Ethnic Relations thus operates as a broad-based advisory body on issues relating to refugees and migration, as well as to racism and ethnic relations, and collaborates with different ministries in developing, planning and monitoring matters relating to refugees and immigration. The Advisory Board may assemble in two different compositions. The authority and organization-dominated composition consists, inter alia, of representatives of the different ministries, trade unions, the Association of Finnish Local Authorities, the Finnish Evangelic Lutheran Church and Finland Society. Most members of the migrant-dominated composition represent immigrants and ethnic minorities.

21. The Advisory Board for Ethnic Relations has launched, together with the social partners and backed up by good examples and practice, projects with the aim of promoting employment of immigrants and strengthening multiculturalism. The first projects were initiated in the autumn of 1998 and perceptible results are expected in 2000.

Advisory Board for International Human Rights Affairs

22. The Advisory Board for International Human Rights Affairs prepared a document in the spring of 1999 presenting its views on the human rights policy of the Government during the

Finnish presidency of the European Union, from 1 July to 31 December 1999. The Advisory Board, inter alia made proposals for action relating to the rights of indigenous peoples. The Advisory Board hopes that Finland, during its Presidency, will act to promote, especially within the framework of the European Union's Northern Dimension concerning the Arctic areas, the status of indigenous peoples and the opportunities they have with respect to their traditional sources of livelihood. In this connection, the Advisory Board draws attention to Protocol No. 3 to the Act of Accession of Finland to the European Union concerning the Sami, according to which, notwithstanding the provisions of the EC Treaty, it is permitted to accord the Sami exclusive rights to reindeer husbandry in traditional Sami areas. Furthermore, it is possible to extend the Protocol to cover other exclusive rights of the Sami relating to their traditional sources of livelihood, in accordance with the appropriate procedure.

Commission against Racism, Xenophobia, Anti-Semitism and Intolerance

23. The Commission against Racism, Xenophobia, Anti-Semitism and Intolerance set up by the Government is an independent body representing different groups of citizens. During the past two years immigrants and traditional minorities have also been represented on the Commission, both as members and experts. The Commission has had discussions with the most powerful actors of society, such as ministries, parliamentary groups and the mass media, and has given public statements on deficiencies observed.

Other bodies and organizations

24. In the thirteenth and fourteenth periodic report the Government gave account of the duties of the Advisory Board for Sami Affairs, working in connection with the Provincial Government of Lapland, and of the Advisory Board for Roma Affairs, which has been working in connection with the Ministry of Social Affairs and Health for more than 40 years.

25. Most provincial governments have a contact person for Roma affairs, assisted by a working group consisting of representatives of the authorities and of the Roma population. The experience gained from 1996 to 1998 has been promising. However, the future of this activity is in question as a result of lack of sufficient funding. The provincial government of Southern Finland also has a special immigration Ombudsman.

26. There are several nationwide organizations in Finland cooperating with and providing support to immigrants. Different kinds of activities have also been initiated at the local level by individual people or small groups. For example, in Tampere there is a meeting place for immigrant women which helps to prevent social exclusion.

27. In the past few years, immigrants have created various associations and new associations emerge constantly. These associations have cooperated with the public authorities and with non-governmental organizations in order to improve the rights and integration of immigrants. These active associations of immigrants make it easier to arrange cultural activities, meeting places, financial support and contacts for foreigners.

28. The Finnish sports associations have, between 1996 and 1998, worked for the promotion of tolerance, and have launched some 130 projects for this purpose at the local, regional and State level.

Decision-in-principle by the Council of State on measures for promoting tolerance and combating racism

29. The Committee, noting with satisfaction that, on 6 February 1997, the Government took a decision-in-principle on measures for promoting tolerance and combating racism, recommended that information should be provided on measures taken and progress achieved as regards the implementation of the decision-in-principle.

30. The decision-in-principle, the Government's first programme of action in this field, suggests a great number of measures to be taken by the various authorities. The possibilities for immigrants and minorities to participate in the preparation and consideration of matters concerning themselves have been increased. The decision-in-principle was to be implemented by the ministries. The decision required the competent ministries to report to the Anti-Racism Committee on the implementation of the programme by 1 December 1997. The implementation of the decision-in-principle is monitored by a ministerial group which has been established to promote good ethnic relations, and is assisted by an anti-racism committee consisting of experts of the ministries. The ministries compiled the information from their administrative fields and included the measures taken by their administration in the reports. All ministries submitted a report on the implementation of the decision-in-principle to the Anti-Racism Committee. Detailed information on the measures taken by the ministries is provided in the report of 1998 attached to this report (Appendix 3).

National system for the monitoring of racism and discrimination based on ethnic origin

31. On 1 October 1998, the Ministry of Labour set up a steering group for the establishment of a national system for the monitoring of racism and discrimination based on ethnic origin. The steering group will coordinate national measures required under the communication issued by the Commission of the European Communities on 25 March 1998 and will prepare a national plan of action. The monitoring will cover discrimination against new immigrant groups as well as against traditional ethnic minorities in different sectors of society.

32. The most important elements of the national system for the monitoring of racism and discrimination based on ethnic origin will include: (i) cooperation between different authorities, including development of and participation in training concerning ethnic relations; (ii) introducing national studies concerning attitudes, discrimination and victims; (iii) development of cooperation between the authorities, immigrants and non-governmental organizations; (iv) increasing the efficiency of measures taken by the authorities, for the prevention of discrimination; and (v) gathering and analysis of information, as well as the provision of legal and other advice to the victims of racism and discrimination.

33. Studies made on ethnic relations, as well as on the attitudes of the authorities and of citizens, have raised interest, and more resources have been allocated for that purpose. Three extensive studies were initiated in 1998 in accordance with the proposal of a working group

composed of experts in various fields of administration, the purpose of which was to prepare a monitoring system. These studies concern (i) attitudes of the authorities towards ethnic groups; (ii) attitudes of the majority of the population; (iii) discrimination at work and (iv) the mass media.

34. The aim of the study on attitudes of the authorities towards ethnic groups, which was published in February 1999, was to examine the attitudes of and the interaction between the authorities and persons coming from foreign cultures, including the attitudes of the police, teachers, Frontier Guard officers, social welfare officers and officers of employment agencies. The study revealed that the attitudes of social welfare officers, teachers and highly educated public officials were more positive than those of other authorities. The police and Frontier Guard officers had the most negative attitudes owing to the nature of their duties. Therefore, foreign cultures will be given more weight in their training in future. The study nevertheless showed that in general the authorities are in favour of the promotion of tolerance and measures against racism.

35. The study concerning the attitudes of the majority of the population will be published later in 1999. The first national study on discrimination at work, which should be finished by the end of 1999, creates a stronger basis for the competent authorities to combat and prevent discrimination based on ethnic origin. Also, the barometer of working life elaborated each year by the Ministry of Labour measures, among other things, discrimination at work.

36. Finally, the study on the mass media will be finalized by the end of 1999. The study aims to find out how the media deals with issues relating to immigrants, ethnic minorities, and immigration and refugee policy. All these studies provide valuable information needed in planning and decision-making.

Report on the Human Rights Policy of the Finnish Government

37. The Minister for Foreign Affairs, Tarja Halonen, submitted the first Report on the Human Rights Policy of the Finnish Government to the Foreign Affairs Committee of Parliament on 11 November 1998. During the period of office of the previous Government, the rights of minorities and indigenous peoples were defined as the main areas of concern. The prohibition of discrimination is regarded as a central component of human rights. The fight against racism and intolerance has been given special attention. Finland is undertaking anti-racist measures at all levels. Accordingly, Finland has been actively promoting the rights of minorities and indigenous peoples and also combating racism in international forums, including the United Nations, the Council of Europe and the European Union. Further reference is made to the report "Human rights and Finland's foreign policy" (Appendix 4), pages 46 to 63 in particular.

Programme of the Government

38. The new programme of Prime Minister Paavo Lipponen's second Government was released on 13 April 1999. Discrimination and human rights in general are paid attention to in the government programme in connection with various fields of administration. According to the programme, for instance, the fundamental social, cultural and economic rights of citizens will be enhanced by a further development of legislation and administrative practice. The

Government aims at reducing social discrimination. With regard to the EU, Finland will take an active part in the preparation of directives aimed against discrimination, as required by a protocol to the Treaty of Amsterdam. The programme also states that the Language Act will be updated to secure the rights of language minorities. Measures to implement the fundamental rights of the Sami concerning their language and culture will be attended to. For the first time, the government programme contains an extensive section on immigration policy. Increasing attention is paid to measures to counter discrimination, both in the legislation and in administrative practice. Good ethnic relations among the population will be promoted. According to the programme, the Government will continue to implement the immigration and refugee policy. The possibilities to assist refugees during crises are enhanced. Immigration policy will be implemented through the promotion of regional and local equilibrium. The integration of immigrants into society will be promoted by focusing in particular on children and young people. According to the programme, a general reform of the Aliens' Act and the reform of the Nationality Act will be implemented. The granting of nationality and the consideration of matters relating to immigration will be updated so as to better conform to the principles of good administration. The guidelines set out in the report of the Foreign Affairs Committee of Parliament will be applied to the repatriation of Ingrians.

39. Further, the present Government has maintained in force the above-mentioned decision-in-principle on measures for promoting tolerance and combating racism. In addition, the Government appointed a Ministerial Working Group on Immigration Policy and Ethnic Relations in May 1999, which is assisted by a group composed of officials from the competent ministries.

40. A government programme of action against ethnic discrimination and racism is being prepared in the Ministry of Labour. The basic principles and objectives of the programme would include the establishment of an active and productive cooperation network and ensuring continuity in matters relating to racism and ethnic relations between the Government and Parliament, regional and local authorities, non-governmental organizations, trade unions, communities of immigrants and ethnic minorities, religious communities, as well as sports associations and organizations, and cultural and educational associations.

41. The programme of action is meant to be twofold, i.e. its principles are to be implemented on the one hand at the government level, and on the other hand at the regional and local levels of administration, and the importance of the principle of subsidiarity and opportunities provided by the above-mentioned new Act on the Integration of Immigrants will be emphasized.

42. The programme of action will be presented to the Government at the beginning of 2000. The Ministry of Labour and the Ministry of Education are responsible for cross-administrative coordination. In addition, the Ministry of Justice, the Ministry of the Interior and the Ministry of Social Affairs and Health will also participate in the drafting of the programme.

43. Apart from the government programme, Finland is taking active measures against racism and ethnic discrimination in accordance with the communication of the Commission of the European Communities, of 25 March 1998, concerning a plan of action against racism. Moreover, the Treaty of Amsterdam contains an article on non-discrimination that calls for Member States to take measures at the national level.

Population statistics

Collection of demographic data

44. The government agency responsible for the collection of demographic data is the Population Register Centre. At the beginning of 1998, the total population of Finland was 5,147,349 persons. Statistics Finland elaborates statistics on the basis of, for example, nationality, language and country of birth. These statistics are based on information provided by the Population Register Centre.

National minorities

45. The Swedish-speaking Finns are the largest minority in Finland (293,691 persons on 31 December1997, or 5.71 per cent of the population). The Swedish-speaking Finns are a language minority, most of whom live on the southern, south-eastern and western coasts and on the Åland islands. The status of the Swedish-speaking Finns is exceptional compared to that of other national minorities, due to the fact that Swedish is, in addition to Finnish, an official language of Finland.

46. The Sami are an indigenous people. Most of the Sami, some 4,000 persons, live in the Sami Homeland in northern Lapland and about 2,400 of them live in other parts of the country.

47. The Roma live in all parts of Finland, although most of them live in the biggest cities in southern Finland. There are about 10,000 Romas in Finland. No statistical data are collected on ethnic minorities, such as the Roma. Therefore, the number of Roma and their geographical distribution can only be estimated.

48. The Jewish community in Finland consists of about 1,300 persons. Most of them live in the biggest cities in southern Finland.

49. The Tatars are a Turkish-related Islamic minority. The predecessors of this group immigrated to Finland between 1870 and 1925. There are some 900 Tatars living in Finland, mostly in the capital district.

50. The Old Russians are descendants of Russian immigrants who moved to Finland in the late nineteenth century and early twentieth century. It is difficult to estimate the size of this community, because during the past few decades the number of Russian-speaking people has increased remarkably as a result of growing immigration. At this moment, there are some 20,000 Russian-speaking persons living in Finland, of which some 5,000 are Old Russians.

Other minority groups

51. In June 1999, there were 85,900 foreigners in Finland, that is some 1.7 per cent of the population. The figure is still not big when compared with other countries, but the increase has been rapid. The four biggest groups were the Russians (17,698), the Estonians (10,494), the Swedes (7,773) and the Somalis (4,825).

52. One specific group in this context is the Ingrian Finns, returnees from the former Soviet Union. They are descendants of people who moved to Ingria, which was ceded to Sweden as a result of the Stolbova peace in 1617 (today part of the Russian Federation). Roughly 20,000 Ingrian Finns moved to Finland between 1990 and 1997.

Article 2

The Sami

International conventions

53. The Framework Convention for the Protection of National Minorities entered into force with respect to Finland on 1 February 1998. Similarly, the European Charter for Regional or Minority Languages entered into force on 1 March 1998. Finland submitted its first periodic reports on the implementation of the said Conventions in early 1999. The Advisory Committee, which assists the Committee of Ministers in its evaluation of the adequacy of the implementation of the Framework Convention for the Protection of National Minorities, will visit Finland, at the request of the Government, in August 1999. During the visit the above-mentioned initial report will be considered. On the same occasion, an open seminar will be organized in cooperation with the Council of Europe and a non-governmental organization.

54. The Committee on the Elimination of Racial Discrimination reiterated its concern over the fact that the question of land ownership by the Sami has not yet been settled and that, as a result, Finland has not yet ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Committee recommended that the Government redouble its efforts for the solution of the land dispute with the Sami. The Committee made general recommendations in 1997 that the land rights of indigenous peoples be acknowledged. Also, the Committee on Human Rights, in 1998, paid attention to the fact that the land dispute with the Sami remains unsolved. The International Labour Organization too has tried to expedite the ratification of the Convention. However, the ratification of the Convention is still not possible, because no progress on the issue of the land rights of the Sami has been achieved.

55. Since 1993, the settling of the land rights issue has been a task of the Sami Parliament* and its predecessor. The Parliamentary Committee for Constitutional Law, which was expected to give a possible statement on the joint report concerning the issue, submitted to it by the Ministry of Labour and the Ministry of Justice in 1996, has not intervened in the issue.

56. The Deputy Chancellor of Justice, on account of an opinion given by the Sami Parliament on 10 December 1998, has requested the Ministry of Justice to consider whether it would now be appropriate to take measures in order to arrange an investigation of Sami land rights. To support his request, the Deputy Chancellor of Justice refers, inter alia, to a report submitted to the Foreign Affairs Committee of Parliament by the Minister for Foreign Affairs, on 11 November 1998, concerning the human rights policy of the Finnish Government. The

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* In the report, the term "Sami Parliament", which is preferred by the Sami Parliament itself, is used instead of "Sami Thing" used in the thirteenth and fourteenth periodic report.

report - in which the rights of the indigenous peoples are set as one of the key areas of the Finnish human rights policy - mentions that Finland is investigating the possibility of ratifying the ILO convention.

57. After having negotiated with the Sami Parliament, as provided for in section 9 of the Act on the Sami Parliament (974/1995), and with representatives of various ministries, the Ministry of Justice has appointed a rapporteur to investigate, by 30 September 1999, usufruct in the State-owned land which is located in the Sami Homeland. The investigation is considered necessary because of differing evaluations presented over the years on the rights to land, water and natural resources, as well as to traditional natural sources of livelihood in the Sami Homeland. The assignment of the rapporteur is to investigate in particular: (i) how to guarantee the rights of the Sami to their own traditional natural sources of livelihood that are part of their culture in their Homeland, while taking into account the international conventions, (ii) how to guarantee, at the same time, the rights of the local population to the traditional natural sources of livelihood in accordance with the principle of equality, and (iii) whether it is possible to find such a solution to the usufruct of the land as would ensure that there is no obstructing or disturbing action in these areas, without a weighty reason, against natural sources of livelihood. Removal of the obstacles for ratification of the ILO convention also underlies the investigation. During the investigation the rapporteur has to hear the Sami Parliament and an appropriate number of representatives of the local inhabitants. The aim is that the investigation by the rapporteur is independent from the one carried out by the Sami Parliament, as regards the rights to land, water and natural resources of the Sami people. A Justice of the Supreme Administrative Court who was appointed as the rapporteur has also been approved by the Sami Parliament.

Further observations concerning the status of the Sami

58. As regards the definition of a Sami, the Committee on the Elimination of Racial Discrimination was already told at the hearing in March 1999 that the Sami Parliament is of the opinion that the composition of the Sami Parliament based on the existing definition does not guarantee the implementation of the rights of the Sami. The Sami Parliament has expressed its concern over the fact that in the coming elections in September 1999 even such persons that are not of Sami origin could be entitled to vote. However, in August 1998 the project of re-linking the Sami definition with knowledge of the Sami language was abandoned for the time being. This was because, on the one hand, negotiations have not resulted in a satisfactory consensus as to the direction and contents of the reform, and because, on the other hand, no experience was available on holding Sami Parliament elections in accordance with the Act on the Sami Parliament.

59. Even after this decision was taken, the Sami Parliament has in various connections, e.g. in its opinion of 7 October 1998, demanded that the definition of a Sami be re-linked with knowledge of the Sami language, which would restrict the definition. Also the Commission against Racism, Xenophobia, Anti-Semitism and Intolerance issued a statement on 11 September 1998, in which it considered that re-linking the Sami definition with knowledge of the Sami language should be carried forward urgently.

60. The Ministry of Justice has been following the preparations of the elections for the Sami Parliament, which are to be carried out in 1999, and will consider separately, on the basis of the experience gained, whether it is necessary to take additional measures to develop the legislation in this regard.

61. So far, the following observations can be made on the election preparations. On the basis of Lapp origin 1,128 people sought their way to the electoral register. The election committee of the Sami Parliament, on 2 March 1999, rejected virtually all these applications, because it considered the applicants to belong to the Finnish-speaking population on the basis of their language. On the basis of language it approved 56 people as Sami people. There were some among them who had presented Lapp origin as a ground for their application. On its own initiative, the election committee added 436 further people to the electoral register on the basis of language, these being mainly people who had reached voting age after the previous elections. The election committee received 765 requests for rectification in respect of its decision. On 15 April 1999, the election committee rejected 740 of the requests, based on Lapp origin, because no such new information as would have given reason for amending the earlier decision of the committee was provided in the requests for rectification. On account of a request for rectification, the election committee approved 25 applications on the basis of language. Among those people whose applications were rejected were 726 who requested rectification from the Board of the Sami Parliament. The Board rejected all the applications, except for one that it considered to have presented enough evidence on Sami origin. After this decision, there were altogether 5,087 persons of Sami origin in the electoral register. On 13 July, the Sami Parliament accepted some 30 applications on a linguistic basis. All other applications (some 700) have been rejected. These applicants have the right to appeal to the Supreme Administrative Court. Consequently, it is likely that even several hundreds of complaints will be submitted to the Court in August 1999.

62. During the consideration of the thirteenth and fourteenth periodic report the question of hearing the Sami was also touched upon. As regards section 52a of the Parliament Act, under which the Sami have the right to be heard, it can be added that in practice the parliamentary committees have regularly heard the Sami in matters affecting the Sami in particular. In addition, other authorities have to negotiate with the Sami Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sami as an indigenous people. Generally speaking, ministries have adopted a practice according to which the opinions of the Sami are being heard. Nevertheless, there have been some difficulties. The Sami have been dissatisfied to some extent with the fact that there have been cases where the ministries have not negotiated with them on legislative proposals having particular interest for the Sami. On account of this, some complaints have been made to the Parliamentary Ombudsman and to the Chancellor of Justice. So far, neither of them has found that an authority has failed to accomplish his/her official duties. Some of the complaints are still pending.

63. As mentioned in the previous report, the Supreme Administrative Court, by its decision of 15 May 1996 (15.5.1996 T 1447), quashed the decisions of the Ministry of Trade and Industry concerning 18 mining claims on the grounds that the ministry had not, before making the decisions, examined the effects of the claims on reindeer-keeping among the Sami population, and referred the matter back to the ministry for reconsideration. The Ministry of Trade and Industry reconsidered the claim documents and requested a written opinion from the Sami

Parliament on 1 December 1997. The Sami Parliament gave its opinion on 19 February 1998. A new decision was taken on 30 April 1998 and instructions to be followed with respect to mining claims in the Sami reindeer-keeping areas were attached to the claim documents. These instructions were negotiated with the representatives of the Sami Parliament. The Ministry of Trade and Industry has adopted a new practice of hearing the Sami and the municipalities concerned before a decision is taken. Several complaints against mines in the Sami Homeland are under consideration before the Supreme Administrative Court.

The Roma

64. The Advisory Board for Roma Affairs, which is subordinate to the Ministry of Social Affairs and Health, aims at affecting decision-making in matters concerning the Roma in Parliament and before authorities by giving opinions and proposals.

65. According to the Advisory Board for Roma Affairs, a considerable positive development can be seen in the Government's human rights policy and in the related legislative reforms which have been made in the 1990s. In the drafting of legislation, including by Parliamentary committees, the opinions of the Roma have increasingly been taken into consideration. They have been heard mainly through the Advisory Board for Roma Affairs.

66. Yet, there still are socio-economic differences between the Roma and the majority of the population. Problems relating to housing, unemployment and low level of education, social problems and resulting social exclusion are more common among the Roma than the majority. The fact that there still are prejudice and discrimination against the Roma underline the importance of education and training of both the authorities and the public.

67. The Ministry for Social Affairs and Health has designated two rapporteurs to draft a report on the present government policy concerning the Roma and to make proposals for developing it. The objective is to provide an extensive overview of the situation of the Roma population and special needs of the Roma culture and to review the relevant legislation, especially in the fields of social affairs, employment, housing and education. Attention is being paid in particular to measures to prevent the social exclusion of the Roma. Relevant international conventions and their impact at the national level are also being addressed by the rapporteurs. Proposals for developing policy concerning Roma would be made on the basis of the report, which will be published in September 1999. The report, which will be translated into English, has already aroused great interest in Finland and abroad.

Immigration and refugee policy

68. The Committee on the Elimination of Racial Discrimination recommended that the quota for refugees be increased. The Committee also paid attention to the situation of immigrants in general.

Refugees and asylum-seekers

69. Finland has progressively increased the quota for refugees, the number being 650 in 1999. In 1998, in connection with the consideration of the State budget in Parliament, the

quota was established as 600 refugees. In the framework of this quota and on the basis of the proposal of UNHCR, 600 refugees, of whom 300 arrived in 1998, were granted residence permits. In addition to this, refugees are admitted on the basis of family reunification. Under the government decision of 9 April 1999, Finland has also received 1,000 refugees from Kosovo in 1999. By August 1999, some of them had already returned to their homes.

70 The number of asylum-seekers is increasing. In 1997, 975 persons applied for asylum in Finland. In 1998, the number was 1,275. A sudden increase in the number of asylum-seekers took place in the summer of 1999. Over 1,000 Slovak Gypsies, or Romas, arrived in Finland to seek asylum, claiming that they were fleeing from persecution at home. Prime Minister Paavo Lipponen urged the Government of Slovakia to address the situation as a matter of urgency. In early July officials of the two countries held negotiations on how to solve the question. On 6 July, Finland suspended the visa-free entry for Slovak citizens for a period of four months in order to prevent the accelerating influx of asylum-seekers from Slovakia. The decision taken does not, however, affect those who have already arrived in Finland. Their requests for asylum will be handled individually and in accordance with the usual procedure. Some of the Roma who arrived in Finland have already returned to Slovakia on their own initiative. Furthermore, in July, after the suspension of visa-free entry, a Member of Parliament and the Chairperson and two members of the Advisory Board for Romani Affairs visited Slovakia for the purpose of discussing ways to promote the status of the Roma.

71 In respect of immigration policy, further reference is made to the Programme of the Government of 13 April 1999 described in paragraph 38 above.

Amendments to the Aliens' Act

72 An Act amending the Aliens' Act (1269/1997) entered into force on 1 January 1998. The Asylum Appeals Board was abolished and its duties were transferred to the County Administrative Court of Southern Finland. The decisions of the Directorate of Immigration concerning asylum, residence permits based on need of protection, and refugee status may be appealed against to the County Administrative Court of Southern Finland. The decision of the Court may be appealed against provided that the Supreme Administrative Court grants leave to appeal. The provisions on clearly unfounded applications for asylum were repealed. Also, the provisions concerning manifestly unfounded applications were amended by the same Act. When the Directorate of Immigration decides an application is manifestly unfounded it shall at the same time decide on the refusal of entry. The decision of the Directorate of Immigration shall in its entirety be submitted to the County Administrative Court of Southern Finland for approval. If the Court finds that the application is not manifestly unfounded or the applicant has produced new evidence relevant for the decision or the decision in some other way violates the law, the decision is referred back to the Directorate of Immigration for reconsideration. In other cases, the County Administrative Court shall approve the decision.

73 An amendment to the Aliens' Act (537/1999), which entered into force on 1 May 1999, improved the legal protection of foreigners by referring explicitly to the Administrative Procedure Act, the provisions of which are applied in the consideration of matters under the Aliens' Act. The hearing of asylum-seekers by the police takes place in accordance with the

provisions of the Administrative Procedure Act, whereas investigation of the identity, entry into the country and travel route of the asylum-seeker takes place in accordance with the provisions concerning police investigation. A separate section is included for the purpose of taking the best interests of the child, and the development and health of the child, into account when making a decision under the Aliens' Act. The same section also provides for the hearing of minors.

74. The amendment further provides that the Government set general objectives for the national immigration and refugee policy, including the establishment of guidelines for cooperation between different authorities in matters relating to immigration and refugees. The objectives would be drafted in a government session where all the ministers are present.

75. The conditions for entry into the country are defined by the law. Visa requirements are established on the basis of those conditions. The aim is to create clear instructions for the authorities who apply the rules. It is also provided that a person applying for a visa could be required to take out medical insurance in accordance with more detailed instructions to be determined by the competent ministry.

Family reunification

76. As for the possibility of granting a residence permit on the basis of family ties, the objective of the 1999 amendment to the Aliens' Act was to enact more detailed provisions concerning the procedure for the granting of residence permits which already had been the prevailing practice. The Act provides a definition of family members, conditions for the granting of a residence permit and the procedure to be followed. The problem with family reunification is still that the procedure for applying for a residence permit on family grounds is lengthy, because of difficulties relating to the verification of identity. A government bill concerning DNA testing in connection with family reunification is currently being prepared. Such testing would make it easier to identify persons and thus speed up the process of family reunification.

Appeal

77. Under amended chapter 8 of the Aliens' Act, the right of appeal of foreigners was extended to cover decisions of the local police, the passport authorities and the Directorate of Immigration, with a few exceptions. The right of appeal does not cover decisions concerning the issuing of visas taken in Finland or abroad, nor decisions made by foreign missions of Finland concerning applications for a residence permit. As mentioned before, the decisions of the Directorate of Immigration concerning asylum, residence permit based on need of protection, and refugee status may thus be appealed against to a County Administrative Court of Southern Finland. The decisions of the County Administrative Court may be appealed against provided that the Court grants leave to appeal.

Safe countries

78. The 1999 amendment to the Aliens' Act contains a provision concerning the grounds on which a country may be defined as a safe country. According to section 33a, safe countries are

those that are parties to the Convention relating to the Status of Refugees and comply with it, as well as with the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The determination of safe countries is left to the discretion of the authorities.

Refusal of entry and deportation

79. The Ministry of the Interior and the International Organization for Migration (IOM) have been negotiating with a view to initiate cooperation concerning situations where a foreigner upon whom a decision of refusal of entry, or deportation, has been served, will have to leave the country. The foreigner will in the first instance be offered the possibility of voluntarily returning to his country of origin, in which case the experience and expertise of the IOM could be used for organizing the return. The idea is that the foreigner is given a possibility to organize his return in a more humane way than through a procedure and measures taken by the police. The cooperation began in March 1999 and is still at an early stage.

The integration of immigrants

80. The new Act on the Integration of Immigrants and Reception of Asylum-Seekers (493/1999) harmonizes measures taken by the authorities and strengthens their mutual cooperation at all levels, notably at the local level, aiming to improve and accelerate the integration and employment of immigrants. The municipalities have responsibilities concerning both individual immigrants and municipal immigrant policy. The Act is implemented with the help of integration plans carried out at the local level. The Act provides for an integration benefit to be granted to the immigrant for a period of three years. A condition for the granting of the benefit is that the immigrant participates in the elaboration and implementation of a plan for the integration of the individual immigrant or family.

81. The municipal authorities, employment agencies and the immigrant shall agree on measures to be taken in order to enhance integration into society. If the immigrant is not willing to participate in the elaboration of the integration plan or does not comply with it, his or her economic benefits may be reduced. The municipalities will be under an obligation to provide immigrants, who live on unemployment benefit or other social benefits, with such services as to facilitate their controlling their lives and the integration of their old culture with the new one. In this way cooperation between immigrants and the local authorities is more clearly structured and is binding on both parties. The municipalities will have responsibilities concerning both individual immigrants and municipal immigrant policy. The Act thus is implemented with the help of the individual integration plans. An integration plan includes measures promoting integration, the resources available, as well as cooperation between the municipal social, health and housing authorities and the school authorities, the employment administration and industry, the Social Insurance Institution, the police, immigrant and non-governmental organizations, religious communities and parishes, and other local bodies. The hearing of representatives of the immigrants and their participation is an integral part of the plan. Reference is also made to information given under the heading "Employment situation of immigrants" (art. 5) of this report. Furthermore, reference is made to Appendix 5, "The Integration of Refugees in Finland in the 1990s".

82. In addition, a plan for developing interpretation and language services for immigrants was published in June 1999. The plan is based on a study of the importance of interpretation for immigrants using the services of employment agencies, and of planning measures to facilitate their employment. The improvement of interpretation services will contribute to the implementation of the new Act on the Integration of Immigrants and support the elaboration of individual integration plans for immigrants.

Article 4

Concluding observations of the committee on the elimination of racial discrimination concerning legislation

Racist organizations and dissemination of racist ideas

83. The Committee on the Elimination of Racial Discrimination reiterated its concern that article 4 of the Convention is not fully complied with, since there is no provision in Finnish legislation prohibiting and punishing organizations which promote and incite racial discrimination. Moreover, according to the Committee, the Penal Code contains no provision declaring an offence punishable by law any dissemination of ideas on racial superiority or hatred. The Committee recommends that the Code should, in particular, contain provisions declaring illegal and prohibiting organizations which promote and incite racial discrimination, as well as declaring the dissemination of ideas based on racial superiority or hatred an offence punishable by law. In support of its view, the Committee refers to its General Recommendation VII relating to the implementation of article 4 of the Convention.

84. The Government, however, considers that these concerns are duly taken into account in existing legislation. When the discrimination provisions of the Penal Code were amended in 1995, due account was taken of the Convention in order to make sure that national legislation would fully correspond to its provisions. Reference is made to the thirteenth and fourteenth periodic report where grounds to support this view are presented. As for the Committee's concern about the Penal Code containing no provision according to which any dissemination of ideas on racial superiority or hatred would be an offence punishable by law, the Government considers that the provision of the Penal Code on ethnic agitation fulfils this obligation under the Convention. According to chapter 11, section 8 of the Penal Code, "a person who spreads statements or other notices among the public in which a certain race or national, ethnic or religious group or a comparable group is threatened, slandered or insulted shall be sentenced for ethnic agitation to a fine or to imprisonment for a maximum of two years". Nevertheless, as the Committee still seems to have a different interpretation of the matter, there may be need to reconsider the legislation, in connection with the overall revision of the Penal Code.

85. Yet, certain measures have already been taken in this regard. The Justice and Home Affairs Council of the EU approved at its meeting in December 1998 a joint action aimed at classifying participation in a criminal organization as a punishable act. The Ministry of Justice has taken measures to prepare a new penal provision to implement the joint action, and a government bill is meant to be submitted to Parliament during the autumn 1999 session.

86. As regards racist organizations, the Government has acknowledged that in Finland there exists some loosely organized ultranationalist and racist action. Such groups, however, are not significant organizations nor political parties. Neither are these groups registered. The Committee has previously also expressed its concern over the existence of political parties supporting racist activities. In this connection, the Government points out that all the political parties represented in Parliament and their youth organizations declared the parliamentary elections held in March 1999 to be "free of racism" and signed the Charter of European Political Parties for a Non-racist Society in the autumn of 1998, as recommended by the European Union. According to the Charter, parties commit themselves, inter alia, to reject any form of racial discrimination. Parties shall also refrain from any form of political alliance or cooperation at all levels with any political party inciting to racial or ethnic prejudice and racial hatred. Moreover, parties shall ensure that all persons who work for or associate themselves with election campaigns and other activities will act at all times in accordance with the principles stipulated in the Charter.

Racist motives as grounds for increasing the severity of a punishment

87. As mentioned in the previous report, in February 1997 a bill was submitted to Parliament by a Member of Parliament who proposed that motives such as another person's race, colour, nationality or ethnic origin, religion or a comparable factor should be grounds for increasing the severity of the punishment imposed for an offence. The bill was dropped when the session of the previous Parliament ended in the spring of 1999. In the pending overall reform of the Penal Code, the need for amending the provisions determining sentences is under consideration and it is being assessed what kind of an importance a racist motive should be given in determining a sentence. The draft provisions, concerning the different penalties available to be included in the general part of the Penal Code, have already been elaborated. After the necessary opinions are available, preparations will continue in the Ministry of Justice with the objective of submitting a government bill to Parliament in 2001.

Article 5

Protection against violence

The police

(i) Investigation of offences committed by the police

88. The Committee on the Elimination of Racial Discrimination has recommended that the authorities ensure thorough investigation of cases involving alleged mistreatment of persons belonging to ethnic minorities and foreign persons by the police. The Committee against Torture has likewise recommended that an independent agency be established to investigate offences allegedly committed by the police. As far as these recommendations are concerned, a provision (section 14 (2), No. 692/1997) according to which pre-trial investigation of alleged offences by the police has been taken over by the public prosecutor was incorporated in the Pre-trial Investigation Act (449/1987) in connection with the establishment of the Office of the Prosecutor General. In addition, the Act amending Sections 14 and 44 of the Pre-trial Investigation Act (203/1997) was issued on 10 March 1998 and entered into force on 1 December 1998. The

pre-trial investigation of such offences will always be carried out by a public prosecutor - and not by the police - whether they have been committed in the conduct of official duties or not, with the exception of acts for which only a summary penal fine may be imposed. The Office of the Prosecutor General may order that the investigation be carried out by some other prosecutor or a State Prosecutor. The same may be done in respect of the consideration of charges. Such a separate order may be necessary if the offence is a serious one or the suspect is a senior police officer. In such cases the provincial police authorities may request that the person responsible for the investigation be designated directly by the Office of the Prosecutor General. The Office of the Prosecutor General may submit a request for the investigation of an offence of which a policeman is suspected directly to the National Bureau of Investigation, which will take care of notification of the provincial police authorities and the top police authorities. The Ministry of the Interior issued instructions on 2 March 1998 concerning the application of the new provisions. The reform of the legislation has been aimed at removing any doubts about the impartiality of the pre-trial investigation in cases where the suspect belongs to the organization performing the investigation.

(ii) Measures against racism and xenophobia

89 On 30 June 1997 the Ministry of the Interior issued instructions on the increasing of tolerance and prevention of racism among the police (15/011/97). The instructions provide concrete ways for the implementation of the Government Decision-in-Principle on Measures for Promoting Tolerance and Combating Racism, issued on 6 February 1997. Thereafter, the police have been trained, for example, to deal with discrimination offences. On 13 March 1997, the Ministry of the Interior issued instructions on the registration of offences which are based on racist motives. The police register does not indicate whether the person in question belongs to a national minority.

(iii) Follow-up of racially motivated offences

90 The police annually undertake a study on offences with racist motives which have occurred during the previous year. In 1997, the top police authorities had a study made on offences with racist motives committed. The purpose was not only to examine the extent of racist offences but also to draw the attention of the police to the problem. According to the study, 194 offences with racist motives were committed in 1997. Of these some 20 per cent were assaults, 20 per cent illegal threats, 10 per cent discrimination offences and 10 per cent defamation offences. Most victims of racist offences were Somalis. A separate study made at the end of 1998, examining assaults committed against foreigners in 1997, revealed that 13 per cent of the assaults had been caused by racist motives. At the time of preparation of the present report, the study of offences with racial motives which occurred during 1998 was not yet available.

The Prosecutor General

91 The Office of the Prosecutor General is the central administrative authority of the public prosecutors. As the highest prosecuting authority, it decides independently on prosecution and manages, supervises and develops the operations of the public prosecutors. In addition, it may initiate proceedings on the basis of complaints submitted by individual persons.

92. Offences where a person might have been subjected to a threat or an act of discrimination, hatred or violence on account of his/her ethnic, cultural, language or religious origin are paid particular attention to and are monitored in various ways. When necessary, measures are taken in regard to emerging cases. Specific statistics are not yet compiled on such cases, with the help of which the Prosecutor General could more closely follow the prosecution and/or judgements in respect of such offences.

93. The Prosecutor General issued instructions on 24 February 1998 placing district prosecutors under an obligation to report to the Office of the Prosecutor General offences that have significant effects on society. Such offences include, for example, offences with political or racist motives. Offences that may be presumed otherwise to attract wide public attention, or have general significance as precedents, shall also be notified.

94. In 1998, some 10 offences were reported; the victims were mainly persons of foreign origin. In most cases a person of foreign origin had been subjected to threat or violence. In three cases several people were suspected of ethnic agitation. In one case the charges led to a judgement imposing a fine. In two cases a restaurant owner was suspected of a discrimination offence, having prohibited the entry of persons of Roma origin to the restaurant. By July 1999 the Office of the Prosecutor General had been informed of 11 cases.

95. The obligation of the local prosecutors to notify the Office of the Prosecutor General of certain offences will be made more effective. The aim for the future is that the Office would also receive more accurate information on crimes against minorities, which would enable it to take more effective measures to monitor this phenomenon and intervene in it.

96. In addition, offences involving racist motives are monitored in connection with inspections of the offices of the local prosecutors. At the inspections to be made in 1999 by the Office of the Prosecutor General, attention will be paid to compliance by district prosecuting authorities with the above mentioned instructions.

97. The Office of the Prosecutor General, after being informed of the concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination, has communicated these to all local prosecutors.

Economic, social and cultural rights

98. The Committee on the Elimination of Racial Discrimination has paid attention to the situation of immigrants and the Roma, particularly with respect to housing, high rate of unemployment and education problems. Additional measures should be taken at the State and municipal level to alleviate the situation of the Roma and of immigrants in these fields.

Right to work and subsistence

(i) Discrimination in the labour market

99. The prohibition of discrimination has been included in the Contracts of Employment Act (320/1970) and its observance is thus supervised by the authorities protecting safety and health at work. If there are reasonable grounds to suspect that the employer is guilty of discrimination, the said authorities shall report the case to a prosecutor.

100. In practice, authorities seldom become aware of cases of discrimination, as such cases are rarely reported. Where employment protection authorities are informed of possible discrimination, they have the possibility to investigate the matter by usual means of supervision and, if necessary, report the case to a prosecutor.

101. Basic training materials have already been elaborated for officers responsible for protection, but no training has been given so far. The promotion of equality - meaning the equal treatment of persons irrespective of sex, age, nationality or race - is included in the training of officers.

(ii) The employment situation of immigrants

102. The situation of immigrants and other groups under threat of exclusion from the labour market is to be taken into account at all levels of action of the employment administration. The employment administration has for its part implemented measures that strengthen the position of immigrants in the labour market (see below).

103. The high unemployment rate of immigrants has been partly due to insufficient knowledge of the Finnish/Swedish language. The new Act on the Integration of Refugees and Reception of Asylum-Seekers will provide each immigrant in need of support with an opportunity to have an individual plan of integration and an integration subsidy, which will, together with other measures, reduce unemployment among immigrants. The new Act gives better possibilities than before to focus on the special status of immigrants and their integration into Finnish society. The most important objectives of the Act are to promote the employment of immigrants and to encourage them to seek further training, as well as to help immigrants to get on economically and socially and thus promote the implementation of fundamental rights and human rights. The Act also aims to improve immigrants' possibilities to participate in and influence Finnish society, as well as to develop interaction and tolerant attitudes, including good ethnic relations between immigrants and the majority of the population. The Act is applied retroactively to those who immigrated to the country two years before the Act entered into force on 1 May 1999. Special measures will be needed, however, with regard to immigrants who have lived in the country longer than that and to whom the Act will not apply. Immigrants are entitled, as a part of the new integration subsidy, to unemployment benefit if they participate in the implementation of a programme promoting integration.

104. The total unemployment rate of immigrants (of foreign nationality) was estimated to be 39 per cent at the end of the year. A year earlier, the corresponding figure was 44 per cent. It was mainly the unemployment rate of people who had immigrated to the country voluntarily, as distinct from refugees, that came down, whereas the unemployment rate of refugees still remained high. In 1998, there were in total 6,300 immigrants in the labour market. There were 4,900 foreign nationals subject to measures promoting employment and 8,100 foreign nationals enrolled in training promoting employment. A recent study on the integration of refugees in Finland in the 1990s revealed that there are considerable differences in the unemployment rates of immigrants of different nationalities. It also revealed that those with university education rarely find employment that would correspond to their education and previous work experience.

Further, it was found that an employer's positive experience with an employee of immigrant background paves the way for others and facilitates a "chain employment" mechanism. Reference is made to the study attached to this report as appendix 5.

105. The employment of immigrants has been promoted significantly with the help of, inter alia, long or short periods of practical training which have been carried out, for example, in the framework of European Social Fund (ESF) programmes. The largest project addressed to immigrants is an integration project leading to working life, in the framework of which integration and employment plans were created for 600 Finnish repatriates to prepare them for working life. Also, in the area surrounding the capital, where over 40 per cent of immigrants live, a two-year employment project for immigrants, subsidized by the EU, and of which positive results are expected, was launched in May 1998. Similar employment projects have also been addressed to refugees. Moreover, business initiatives of immigrants have been encouraged, e.g. with cooperation projects.

106. Since the responsibility for the integration of immigrants into society was transferred to the Ministry of Labour in 1997, special attention has been paid to the employment of immigrants. The employment authorities carry out measures in order to strengthen immigrants' employment qualifications by taking them into account at all levels of administration and planning special and supplementary measures targeted at immigrants. The Integration Act serves as one example of such a measure which, as mentioned above, requires cooperation between various authorities and immigrants.

107. The employment administration has produced and continuously developed material addressed to immigrants, providing information on living and working in Finland. There is a guide available in Finnish, Swedish and English for those moving to Finland, and it can also be found on the Internet. Brochures about the services provided by the employment administration have been translated into several languages. Employment agencies provide foreigners with advice and guidance on questions relating to work and education and, if necessary, encourage them to contact other authorities.

(iii) The employment situation of the Roma

108. With regard to the needs of the Roma population, special training programmes have been created, with the aim of promoting their employment in their traditional fields as well as providing general vocational abilities. The training and employment project for the Roma people, Romako, which was referred to in the previous report, was carried out in the Province of Southern Finland in 1997-98. It became a national project in 1999. The objective of the project, subsidized by the European Social Fund and extending to the year 2000, is to help non-educated Romas to acquire the basic education they lack and thus give them an equal status in the labour market with the rest of the population.

Right to housing

109. In a national programme related to the United Nations International Year of Shelter for the Homeless in 1987, particular attention was paid to the situation of the Roma and immigrants.

The programme for the years 1987 to 2000 aims at eliminating homelessness and improving deficient housing conditions. The Ministry of the Environment allocates funds to a foundation providing housing, the Housing Fund. The same foundation has also received significant contributions from the national Slot Machine Association. Individual help, support and care are closely connected to housing services, and are provided by the municipality or parish in question.

110. Since the mid-1980s homelessness has been reduced by half in Finland. In 1986 there were 18,000 homeless persons, whereas in 1998 there were 10,000 homeless persons and approximately 500 families who were temporarily without dwelling. Each year the Housing Fund gathers information from the municipalities on the number of homeless persons, in addition to other basic facts.

111. Since 1985, on the basis of a government decision-in-principle concerning the objectives of municipal social welfare and health care services, the Ministry of Social Affairs and Health has each year drawn the attention of the municipal authorities to the problem of homelessness. In accordance with the decision-in-principle, the municipal social welfare and health care authorities shall enter into effective cooperation with housing authorities, in order to provide rental apartments, adequate housing services and domestic help. The decision-in-principle also calls for participation by the social welfare and health care authorities in municipal projects aimed at the development of suburbs, with an emphasis on housing and construction. Without special measures social problems accumulate, especially in those suburbs where the unemployment rate is high.

112. In certain significant projects the Ministry of Social Affairs and Health has paid attention to the problem of homelessness, also in respect of the Roma and immigrants. Financing received from the EU Structural Funds has also been allocated for the reduction of homelessness. In connection with relevant projects between different ministries the aspects of social inclusion and exclusion, as regards for example urban planning, are taken into account.

113. The social welfare legislation provides several possibilities for preventive action, as well as activities and structural changes increasing and supporting well-being. The social welfare and health-care policy may, within the legislative and financial framework, be efficiently used by municipal housing authorities. Such use includes, for example, selection of tenants for municipal rental apartments, constituting approximately 50 per cent of rental apartments available, prevention of evictions from apartments and aftercare.

114. The social welfare authorities play a significant role in providing housing in cases where the resident is unemployed or has for some other reason inadequate income, and is thus in need of income support to be able to pay the rent. The social welfare authorities are also able to provide housing and related services in cases where the resident is in need of permanent support and care. The purpose is only to support and supplement municipal housing services, and not to transfer the main responsibility and duties to the social welfare authorities. The most important form of housing is the residential homes provided for the elderly and disabled people. There are also a significant number of subsidized apartments for those who are not in need of permanent support and care.

Right to social security and social services, public health and medical care

115. The right to national social security on account of old age, disability for work or death, as well as child benefits and sickness insurance (including parental benefits), is based on residence in Finland. In addition, all persons working in Finland are entitled to pension insurance and accident insurance, and to unemployment benefit. Unemployed persons have the right either to a basic benefit or, in cases where they are members of an unemployment benefit society, to a benefit determined on the basis of earlier income. These rights to social security belong to all, irrespective of race or national or ethnic origin.

116. Furthermore, an amended Income Support Act (1412/1997) relating to the fundamental rights reform of 1995 entered into force on 1 March 1998. The Act provides concrete measures for the implementation of section 15a of the Constitution Act, according to which "everyone who is unable to procure the security required for a dignified life shall have the right to necessary subsistence and care". According to the Income Support Act, income support is a benefit to be granted to a person or family as a last resort. A person who is in need of financial support and who is not able to make his living in any other way, for example by work or business activities or with the help of other social benefits, is entitled to income support. The purpose of income support is to ensure the income which is necessary for a humane life and which promotes the independence of the person or family. The Act vests in municipal authorities the responsibility for deciding on the granting of income support.

117. According to a doctoral dissertation published in June 1999 by the University of Kuopio, not enough attention is paid to the specific needs of immigrants by public medical care services. Insufficient knowledge of foreign languages and cultures by medical care personnel is one of the problems the study revealed. Every sixth person among the personnel included in the study considered their attitudes as racist. Yet, the attitudes of the medical care personnel usually did not differ from those they had towards other groups of patients. The study further revealed that immigrants were in general satisfied with the quality of the medical care services available in Finland.

Right to education and vocational training

(i) Educational situation of immigrants

118. In accordance with the Government Programme on Immigration and Refugee Policy, measures have been taken in order to improve the educational status of immigrants in particular. The entire school legislation was amended as from the beginning of 1999, including the Comprehensive Schools Act (628/1998), the Upper Secondary Schools Act (629/1998) and the Act on Vocational Training (630/1998). In accordance with the Comprehensive Schools Act, all children residing permanently in Finland have both the right and the duty to go to comprehensive school. Education is thus compulsory also for immigrant children.

119. Furthermore, the law provides that the native language of an immigrant child may be taught as his or her mother tongue, in accordance with the choice of the child's custodian. The mother tongue is taught both at the primary and secondary levels of education and in the basic

vocational training. Immigrant children and other students may study either Finnish or Swedish as a second language. Also, in the matriculation examination, foreign students may choose to take a test in Finnish or Swedish as a second language, instead of taking Finnish or Swedish as a first language. As a consequence of a lack of qualified teachers and sufficient resources, not all immigrant children have the possibility to study their mother tongue in practice. This is also due to the fact that, particularly in small towns, there may only be one or two children who speak the same mother tongue in a school. As regards religious education, groups of at least three children shall be provided with religious education in accordance with their religious conviction, if their custodians so require.

120. In addition to ordinary educational services, there are special support services for immigrants. Immigrant children shall be provided with education preparing them for comprehensive school. Moreover, remedial instruction is provided both at comprehensive school and at secondary school. In the case of dropping out of school, it is possible for basic education to be provided through special arrangements. Immigrants may also be provided with education preparing them for vocational education.

121. In addition to training promoting the employment of immigrants, the curriculum for which was drawn up by the National Board of Education in 1997, adult immigrants may receive vocational training, as well as other training familiarizing them with Finnish society, arranged together with voluntary educational organizations. The overall objective of the arrangements is, by providing immigrants with some form of education or training, to direct them either to further education or to working life, or to integrate them into society.

122. The requirements of the elimination of discrimination and the promotion of tolerance are taken into account in the content of basic studies in different curricula and degrees, career training for teachers and various educational and teaching material.

(ii) The Sami language

123. According to the new Comprehensive Schools Act, the language of instruction at schools shall be either Finnish or Swedish, but it is also possible to have Sami, Roma or sign language as the language of instruction. However, the arrangement of education in the Sami language is at the discretion of schools.

124. In addition, the Sami language may be taught as the mother tongue in accordance with the choice of the child's custodian. It is further provided that pupils and students, whose mother tongue is Sami, Roma, sign language or the language of an immigrant group, may be given education in their own language for at least two hours a week.

125. In accordance with a government decision, municipalities and other bodies organizing education are granted State subsidies for arranging the teaching of and in the Sami language in the Sami Homeland, at comprehensive schools and upper secondary schools and in vocational education. The groups for which teaching of and in the Sami language is arranged should have at least five students. The municipalities have a statutory right to the said State subsidies. The Government budget contains a separate allocation for the promotion of the Sami culture and the

activities of Sami organizations. In accordance with the cultural autonomy of the Sami people, the Ministry of Education transmits this allocation to the Sami Parliament which decides on its use. In 1998 the allocation was Fmk 1,000,000.

(iii) Educational services provided to the Roma

126. There are roughly 1,500 to 1,700 Roma children of school age in Finland. Their participation in school education has improved, but some Roma children still drop out of school every year. This means that, in order to promote the school attendance and to prevent the dropping out of school of Roma children, it is necessary to study their dropping out of school and the reasons for it, employ Roma school assistants in those schools that have Roma pupils and establish special support groups, in accordance with the principle of early intervention, by means of which it would be possible to intervene in arising problems.

127. The Roma living in Finland speak either Finnish or Swedish, which are the official languages. The Roma language is spoken best by the ageing population, whereas the young Roma have a more passive knowledge of the language. With reference to the above-mentioned Comprehensive Schools Act, it is now possible to arrange education also in the Roma language, even if it is at the discretion of schools. The Roma language may thus be taught as the mother tongue in accordance with the choice of the child's custodian. The Act further provides that pupils and students whose mother tongue is Roma may be given education in their own language for at least two hours a week. There were some 220 to 240 children participating in such education between 1997 and 1998. Problems in the arrangement of teaching of the Roma language have been caused both by a lack of resources and teachers, as well as by a deficient education of teachers.

128. A grammar of the Roma language was published in 1997 by the National Board of Education. The book is directed to teachers of the Roma language and meant for self-education. It also supplements the textbook used at the lower level of comprehensive school. Further, career training for Roma language teachers is arranged annually. A working group is preparing the basic principles for the degree of an instructor and special instructor of the Roma culture.

129. In this connection it is to be noted that, in the Roma culture, information has traditionally been disseminated orally. In accordance with this tradition, the Roma language is taught by persons of Roma origin. This has been taken into account also in the application of article 7, paragraph 1, of the European Charter for Regional or Minority Languages. Already before the Charter entered into force the Roma community in Finland has agreed with the National Board of Education on a restricted distribution of the Roma language textbook, taking into account these traditions.

130. The prospect of employment is among the means of motivating school attendance. Therefore it is essential both to promote employment among the Roma, and to plan and carry out employment-promoting projects combined with long-term educational and training programmes. The Romano Mission launched a project called "From School to Working Life" in Jyväskylä and in some other municipalities in the region of southern Finland and southern Ostrobothnia. The

main object of the project is to prevent social exclusion of the Roma youth by supporting and encouraging them in their studies, starting as early as in nursery school. The project will continue until the end of 1999.

131. In addition, education of Roma contact persons is arranged annually. At present, the activities of the contact persons are semi-official and mostly based on voluntary work. Local social welfare offices often provide well-equipped facilities for different work activities, whereas the work itself is financed by employment subsidies or fees.

132. Furthermore, there is an increasing interest among the Roma people in adult vocational training. On account of low or insufficient basic education, the adult population still is in need of educational services that are specifically directed to them and designed to promote employment.

(iv) Access to any public place

133. The Committee on the Elimination of Racial Discrimination has drawn attention to incidents involving denial of access to public places for some persons on the basis of their ethnic or national origin.

134. This phenomenon was also demonstrated by a test made by the largest daily paper in Finland. The newspaper tested to what extent the Roma had access to restaurants in the capital district, and the test gave an unfortunate picture of compliance with the law by the restaurants. Although discrimination in business activities is prohibited under the Finnish Penal Code, the access of Roma to several restaurants was denied on the basis of various excuses. On account of the result of that test, Mr Ole Norrback, former Minister for European Affairs, made a request in 1998 for an investigation to the Prosecutor General, who undertook to monitor measures taken by prosecutors in respect of discrimination.

135. As mentioned above, in 1998 some 10 offences against persons of foreign origin were reported to the Office of the Prosecutor General, in accordance with his instructions. In two cases a restaurant owner was suspected of a discrimination offence, having prohibited the entry of persons of Roma origin into the restaurant.

Article 6

Cases of discrimination and assault in courts of first instance

136. The Committee on the Elimination of Racial Discrimination has expressed its concern over the growing number of racist acts that are occurring in the country, a fact acknowledged by the Government. According to the Committee, despite this increase, in relatively few instances have judicial proceedings been initiated over incidents of racial discrimination, including those in the labour market. The Government was requested to provide information on the extent to which members of vulnerable groups are in practice protected against the forms of discrimination listed in the Convention. Information was also requested on cases concerning

individuals who have been prosecuted for acts of racism, including membership in or collaboration with racist organizations or groups, as well as on compensation provided to victims of racial discrimination, especially in the labour market.

137. The following table shows the number of charges raised and judgements pronounced in the courts of first instance, in cases concerning ethnic agitation and discrimination in the period 1990-1997. The provisions on crimes against humanity, that were removed from chapter 13 to chapter 11 of the Penal Code, were amended by Act No. 578/1995. The amendments entered into force on 1 September 1995. The former appelation of ethnic agitation was incitement to racial hatred. Crimes under both appelations are included in the table. In addition, the courts are dealing with other offences which may have racist motives, such as insult, assault and malicious mischief. Such offences, however, are not included in the following tables.

138. Police statistics relating to offences brought to the attention of the police and solved by the police, as regards ethnic agitation and discrimination, are only available from 1996 onwards.

Ethnic agitation

Year	Number of offences brought to the attention of the police	Number of offences solved	Number of accused	Number of sentenced
1990			1	1
1991			0	
1992			0	
1993			5	1
1994			0	
1995			0	
1996	6	4	0	
1997	4	3	2	2

Discrimination

Year	Number of offences brought to the attention of the police	Number of offences solved	Number of accused	Number of sentenced
1990			4	1
1991			10	5
1992			10	10
1993			1	1
1994			12	11
1995			15	9
1996	46	29	12	9
1997	36	29	11	9

139 As the statistics indicate, in 1995-1996 no charges were raised on ethnic agitation, in 1997 a sentence was imposed in two cases. The statistics on charges raised and judgements pronounced in 1998 are not yet available, but according to the information acquired, at least one sentence was imposed last year for ethnic agitation. In 1999, for which no statistics are available yet either, there seems to be a significant rise in the number of charges raised for ethnic agitation. By the end of May 1999, over 10 charges have been raised for ethnic agitation and in some cases the offender has been convicted.

Summaries of some cases

140 The courts are increasingly faced with offences with racist motives. Judgements given in such cases are usually reported in the newspapers, which has a considerable effect on the attitudes of the public. An important case for the raising of awareness has, for example, been a case before the District Court of Kajaani and subsequently, the Court of Appeal of Eastern Finland, where a teacher was ordered to pay fines and compensation on the grounds that he had called a 14 year-old-black girl a negro. The teacher was found guilty of insult under the Penal Code. The Court considered that the teacher had used the word, the negative meaning of which he must have understood, to insult the girl. The ruling of the District Court was upheld by the Court of Appeal in October 1998.

141 On 28 January 1999 a member of the Turku town council and a candidate for election to Parliament was sentenced to fines by the Turku District Court for ethnic agitation. The member of the town council had placed 25 racist signs at a football field used by Somalis. The court reasoned its judgement by referring to international conventions to which Finland is a party that prohibit racist discrimination, and to the provisions of the Finnish Constitution Act. In February 1999 the leaders of the political party, True Finns, unanimously excluded the said member from the list of candidates for election to Parliament, on the grounds that he had acted in violation of the principles enshrined in the Charter of European Political Parties for a Non-racist Society signed by the party.

142 In May 1998 the District Court of Lapland fined a defendant for ethnic agitation in a case concerning dissemination of racist views over the Internet. The conviction was upheld in early 1999 by the Court of Appeal of Rovaniemi, which referred to articles 1 and 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and chapter 11, section 8 of the Penal Code as grounds for its judgement.

143 In April 1999 the District Court of Helsinki issued an admonition in a case where a conscript of Gambian origin had been called a negro by his superior. The superior military officer was found guilty of a service infraction. The plaintiff has appealed against the judgement.

144 In June 1999 the Helsinki District Court sentenced a couple to a fine for discrimination at work, for having employed a housekeeper of Philippine origin for several years without paying her a reasonable salary. Since 1992 the salary of the housekeeper was Fmk 1,800 per month, whereas the reasonable salary would have been Fmk 4,000, and since 1997 Fmk 4,700 per month. In addition to the salary the employers provided the housekeeper with a flat and covered

half of the expenses of her annual visits to the Philippines. The defendants denied the accusations, claiming that they did not consider having acted as employers but rather considered the housekeeper as being a family member.

145. A state prosecutor, by order of the Ministry of Justice and the Office of the Prosecutor General, raised charges for ethnic agitation in a series of acts that took place in Helsinki and Joensuu. The defendants were alleged to have disseminated among the public communications, in which racial and ethnic groups or other similar groups were threatened, slandered and insulted. These acts were considered to comprise ethnic agitation, inter alia, within the meaning of the International Convention on the Elimination of All Forms of Racial Discrimination, chapter 11, section 8 of the Penal Code and also, in the case of printed material, the Act on the Freedom of the Press. In June 1999 the Helsinki District Court imposed a conditional sentence for ethnic agitation on two of the defendants, who were leaders of the Association of the Finnish People. It was the first time a conditional sentence, instead of a fine, was imposed for ethnic agitation. A third defendant was fined for ethnic agitation. The offences included distribution and sale of material, stickers and posters that were hostile to refugees. The Court found that the purpose of the distribution of such material was to spread hostile attitudes and to label refugees as a group. The defendants justified the acts by invoking freedom of speech and by claiming that their intent was to start a debate on refugee policy. All three convicted persons have appealed against the judgement. Furthermore, in June 1999 the Joensuu District Court sentenced five so-called skinheads to a fine, finding them guilty of ethnic agitation, for having made and distributed some 30 T-shirts with racist printings. The T-shirts were found in 1997 by the police, in connection with a raid on a skinhead club.

Freedom of the press

146. As mentioned in the previous report, matters concerning freedom of the press are relatively rarely submitted to the consideration of the Ministry of Justice. In 1997 the Ministry of Justice ordered the public prosecutors to bring charges against a reporter of an ultranationalist paper for insulting black people and refugees. The reporter was convicted. This year the Ministry of Justice has suggested to the State Prosecutor that charges be raised in the above-mentioned series of acts in which sentences were imposed for ethnic agitation in June 1999. These acts have been investigated by the Ministry of Justice only in respect of the violations of the Act on the Freedom of the Press. In its decision, the ministry considered that different kinds of printed works, originally put into circulation in Helsinki, had been sold, offered for sale and displayed, together with other things, in the flats de facto occupied by skinheads in Joensuu in such a way that the youth spending time in the flats had had an opportunity to acquire knowledge of the contents of these printed works. The case was being considered at the Helsinki District Court only in respect of the violation of the Act on the Freedom of the Press. As mentioned in paragraph 10 above, new legislation is being drafted on the exercise of the freedom of the press. The aim is to repeal the Act on the Freedom of the Press at the same time when new legislation is enacted.

Cases considered by the Prosecutor General

147. The supreme prosecuting authority in Finland, the Office of the Prosecutor General has, by virtue of the Decree on the Office of the Prosecutor General (209/1997) placed all the district

court prosecutors under an obligation to report to the Office of the Prosecutor General all offences that are suspected to have a political or racist motive. Some offences have already been reported. If necessary, the Prosecutor General may intervene in a prosecutor's action, if it is considered that the prosecutor's attitude has been too lenient or severe. In such cases the Office of the Prosecutor General itself may proceed with the prosecution.

148 According to the information provided by the Office of the Prosecutor General, most prosecutors have not handled any offences against minorities on account of their ethnic, cultural, language or religious identity. For example, in the past 12 months charges have been raised on account of discrimination against the Roma people in only a few cities. In about 14 cases there has been a waiver of charges, in some cases because the evidence has been deemed to be insufficient and in others the charges have been dropped because the litigants have reached an amicable solution.

149 In December 1997 the Deputy Prosecutor General, on account of a complaint, ordered charges to be raised in a case where the local prosecutor had decided not to prosecute. The case involved a superior military officer who had insulted a subordinate belonging to an ethnic minority, by pejorative words describing ethnic origin. The Deputy Prosecutor General justified his decision, inter alia, by the growing number of racist acts that are occurring in Finland and by their increasingly serious nature, which tends to make it difficult and even dangerous for ethnic groups, whose outward appearance is distinguishable from that of the ethnic majority of the country, to live in Finland. Thus it is considered that the public interest requires the prosecutors also, along with other officials, to fight against these negative phenomena by all measures available.

150 In December 1998 the Deputy Prosecutor General, on account of a complaint, ordered charges to be raised in another case where an authorized representative of a limited company engaged in commerce had, without legal right, threatened a person belonging to an ethnic minority with cancellation of his residence and work permits if he did not remove the terrace of his restaurant. The local prosecutor had not raised charges in this case.

151 In addition, a State prosecutor, by order of the Ministry of Justice and the Office of the Prosecutor General, has also raised charges on account of ethnic agitation in the above-mentioned cases in Helsinki and Joensuu, in which judgements were issued in June 1999.

Cases considered by the Parliamentary Ombudsman

152 As for the supervisory functions of the Parliamentary Ombudsman, the issue of discrimination has mostly come up in connection with the language used by public officials. The Parliamentary Ombudsman has, for example, intervened in the use of the word "negro" by the police and in a prosecutor's public statements. There have been some recent complaints made by the public to the Parliamentary Ombudsman, concerning the situation of the Roma, the Sami and immigrants. The Parliamentary Ombudsman has also intervened in some matters on his own initiative.

153 Attention has been paid especially to the treatment of conscripts who belong to minorities, by carrying out on-site inspections where, in general, no major problems have been

brought to the attention of the Parliamentary Ombudsman. However, there is a recent case which raised public interest. The Parliamentary Ombudsman intervened on his own initiative in a case concerning an interview published in a newspaper in April 1999 in connection with the above-mentioned proceedings concerning the military in the Helsinki District Court. According to the interview, the military lawyer who acted as a prosecutor in the case stated that he was of the opinion that calling a conscript of Gambian origin a negro was a minor matter, and did not require court proceedings. Nor did he find the word "negro" offensive. Consequently, in April 1999 the Parliamentary Ombudsman requested the Defence Staff of the Armed Forces to submit an explanation of what was meant by the statements of the military lawyer. The Parliamentary Ombudsman also requested an opinion on whether the said military lawyer had properly performed his duties as a public prosecutor and whether his statement was in conformity with his capacity as a public official, bearing in mind, inter alia, the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In its reply to the Parliamentary Ombudsman, the Defence Staff expressed the opinion that the statement was to some extent imprudent and that the use of the word "negro" was not acceptable in any circumstances during the performance of official duties. As for the prosecution, it was considered that the military lawyer had performed his duties properly.

154. Racism and police operations were given special attention in the on-site inspections of the police carried out by Deputy Parliamentary Ombudsmen. In fact, the city police departments of the districts of Mikkeli, Kuopio and Joensuu in the province of Eastern Finland were chosen as the objects of the inspection, because there had been allegations of racism in these particular police departments. However, no support was found for such allegations during the inspections.

155. Perhaps the most obvious discrimination case recently has been the complaint by the Advisory Board for Romani Affairs on defamatory writings on the Roma people and other ethnic minorities written by a police officer and published in a newspaper which is in free distribution in Helsinki. The writings have given the impression that certain minorities would be particularly inclined to commit crimes. The writer has himself explained in public that his writings were in fact intended to stigmatize an ethnic minority, because the writer believes in the preventive power of stigmatizing writings. The main problem with the writings was that the public had been given the impression that the writings of the police officer were part of official information provided by the police. The superior officers of the writer had in fact tried to subject the writings to censorship, but the writer had refused and invoked his right to freedom of speech. The writing had continued despite the admonition received by the writer. The writing did not stop until the Parliamentary Ombudsman delivered a request for an explanation on the matter to the Minister of the Interior, who is responsible for issues concerning the police, in September 1998. It was then that the police command dissociated itself publicly from the racist writings and initiated a pre-trial investigation to find out whether the writings of the police officer in question amounted to an offence. However, the district prosecutor took a decision not to prosecute, despite the fact that the issue was at the same time under the investigation of the Parliamentary Ombudsman. The Parliamentary Ombudsman has also requested an explanation from the district prosecutor on account of the non-prosecution that the Parliamentary Ombudsman considers as irregular process. The police officer who is the author of the writings has for his part reported an offence, alleging that the Parliamentary Ombudsman is guilty of defamation, because he has intervened in the writings.

156. Recently, two similar cases have been brought to the attention of the Parliamentary Ombudsman, who is considering intervening in the cases on his own initiative. In one case, an article written by a police officer suggested that certain minorities would be particularly inclined to be involved in criminal behaviour, giving an impression that this was the opinion of the local police department. On account of the article, which was published in a newspaper in Nivala, a request was submitted in July 1999 by a private person to the police to carry out an investigation. The investigation of the alleged offence of the police officer has been taken over by a public prosecutor, to whom the request has been transferred by the police. In another case the police issued a press release in connection with a quarrel that occurred near a kebab restaurant in Eastern Finland. The police first issued a misleading press release in which it was stated that the restaurant owner of Turkish origin had assaulted a customer. The restaurant owner was heard on the incident by the police only a couple of days later, and a new press release was issued on the actual course of events.

Reparation for damages suffered as a result of offences with racist motives

157. The Damages Act (412/1974) shall be applied with respect to compensation for damage. As a general rule, anyone who wilfully or through negligence causes damage to another shall be liable to compensate for it. Also, a public body shall be liable to pay compensation for damage caused in the performance of an act involving the exercise of public authority. The provisions of the Damages Act relating to personal damage shall be applied also to suffering caused by an offence against a person's freedom, honour or home or other corresponding offence. This provision, section 6 of chapter 5 of the Damages Act, is, inter alia, applicable to cases of discrimination. Damage to be compensated for includes personal injury and damage to property. A person who has suffered personal injury is entitled to damages for expenses resulting from the injury, for loss of income, for pain and suffering - including mental suffering - as well as for permanent injury. The aim is to compensate for the actual damage suffered on the basis of evidence adduced. Yet, according to the Code of Judicial Procedure, the courts shall have the competence to evaluate the damage according to fairness where no evidence has been adduced as to the amount of the damage. As regards the procedure, the Criminal Procedure Act (689/1997) provides that a claim concerning compensation for damage may be dealt with in the same proceedings with the criminal offence from which the damage results. Such a claim can also be considered separately in connection with civil proceedings.

158. There are no collected data available on court practice concerning the consideration of damages. Usually, however, compensation is awarded to the victim for damage caused by offences such as assault, causing of injury, insult and discrimination. The amounts of damages are generally speaking moderate compared to those awarded in some other countries.

159. There are some cases where damages have been awarded in relation to offences with a racist motive. For instance, already in 1981 the Supreme Court found a restaurant owner guilty of discrimination for having denied access to a woman of Roma origin to a restaurant owned by the defendant. Access had been denied on the basis of the traditional Roma clothing of the plaintiff. The restaurant owner was sentenced to a fine under the Penal Code and to pay

compensation to the plaintiff for mental suffering caused by the discrimination, in accordance with chapter 5, section 6 of the Damages Act. In the above-mentioned case, the Court of Appeal of Eastern Finland ordered a teacher to pay fines for insult under the Penal Code, on the grounds that he had called a 14-year-old black girl a negro. Compensation was awarded in accordance with the Damages Act.

Article 7

Education and training

Human rights education in general

160. Education at all school levels is based on national guidelines established by the National Board of Education. Those guidelines provide for different aspects to be taken into account in school education, such as cultural identity, cultural diversity and internationalization. Multicultural education places emphasis on the understanding of different cultures and respect for human rights. As regards vocational education, the national guidelines, which have been revised in 1999, provide for the importance of understanding ethics.

161. On the basis of the national guidelines, municipalities and schools elaborate their own curricula, implementing the objectives set out in the guidelines in accordance with local needs. Ethics and respect for human rights have been introduced in school curricula in different ways. Human rights education in practice however, depends to a great extent on the interest in human rights and the knowledge of the teacher. Non-governmental organizations have provided direct support to schools in arranging human rights education.

162. The basic training of teachers includes human rights education, and certain universities even have specific courses on human rights. Further education of teachers in ethics, and educational material on the diversity of cultures and human rights are provided both by the authorities and by non-governmental organizations. Some organizations have expressed interest in creating shared lists of their materials, in order to enhance the continuous use of the materials produced on different topics each year.

163. In 1998 the fiftieth anniversary of the Universal Declaration of Human Rights was celebrated in different ways, for example, in schools. The Finnish United Nations Association arranged lectures at schools and published a book which was mainly targeted at upper secondary schools. Among other things, the book deals with the domestic and international obligations of Finland to prevent and combat racism.

164. The Finnish National Commission for UNESCO published a handbook for teaching human rights at comprehensive schools. The National Board of Education opened human rights pages in connection with its Internet home pages, containing the text of the Universal Declaration of Human Rights, and different tasks and competitions to facilitate learning.

Training of public prosecutors

165. Human rights are paid attention to in the training of public prosecutors. Since 1996 the initial training of prosecutors has included a programme on foreign cultures and national minority cultures, as well as on human rights and fundamental rights. The purpose of this programme is, inter alia, to deepen the prosecutors' knowledge and understanding of foreign cultures in order to facilitate their understanding and judgement of conflict situations which may occur between different cultures. Representatives of various minority groups have given lectures in connection with the programme.

Culture

Support to minority cultures and work against racism

166 The Ministry of Education provides support for groups representing minority cultures and for non-governmental work against racism in accordance with the following principles. Groups representing minority cultures for which financial support can be granted include ethnic and linguistic minorities, as well as immigrants, refugees and asylum-seekers. Support is given to these groups for preserving their own cultures and identities. The groups themselves have the right to choose the appropriate means for this. The rights and obligations of cultural minority groups are similar to those of any other groups or persons benefiting from financial support from the Government. The purpose of the financial support is to improve the integration of cultural minority groups into society and to create possibilities for them to use public cultural services and benefits. Financial support can be given for maintaining a language, financing events which promote cultural traditions, communication within the group itself, personal artistic and other cultural activities, improving cultural interaction between the minority cultures and the majority population, providing information on minority issues and combating racism and xenophobia.

167. In 1998 Fmk 2,000,000 was reserved for the promotion of cultural activities and publications of groups representing minority cultures and for combating racism. The subsidies are mainly provided to immigrants' own associations. The number of immigrants in Finland has increased during the 1990s, and the representatives of the new ethnic minorities have founded associations uniting the members of their groups. Other ethnic groups whose activities are subsidized are the traditional national minorities such as the Roma. Furthermore, the government budget contains a separate allocation for the promotion of the Sami culture and the activities of Sami organizations. The Sami Parliament decides on its use in accordance with its cultural autonomy.

168 The subsidies appropriated to cultural minorities are mainly designated to cultural and publication projects. The funds allocated to work against racism are designated mainly to projects against racism and xenophobia of different associations. Some funds are also allocated to local anti-racist projects. The projects are mostly development and experimental projects, and their aim is to promote tolerance by means of cooperation between ethnic minorities and the majority of population or by means of addressing information to the majority population, especially young people.

The Sami culture

169. On 1 April 1998 the Inari Sami Museum, established in 1959, was opened in a new modern building called Siida which houses both the Sami Museum and the Northern Lapland Nature Centre. Siida is a centre with cultural and natural history exhibitions on the indigenous Sami people. It was partly funded by the European Agricultural Guidance and Guarantee Fund (EAGGF).

170. Positive development has taken place in the status of the Sami language and culture. The Sami culture has raised more and more interest in the entire country. Sami music, literature and films have been presented in festivals, on the radio and on television. The first doctoral dissertation was recently written in the Sami language at the University of Lapland. The public defence of the dissertation, which deals with Sami women writers, took place partly in the Sami language and partly in Finnish.

Other tolerance-promoting work

171. The combat against and prevention of racism is a relevant part of national implementation of the Community Initiative Urban of the EU, for example in Joensuu from 1996 to 1999. These activities are targeted at young people and residential districts, and cultural elements, such as music, are used as a means of promoting tolerance. Also in other target cities, in Helsinki and Vantaa, the integration of immigrants and the promotion of tolerance play a significant role.

172. The Church is also involved in work promoting tolerance through its various activities. The church community work carried out by the Evangelic Lutheran Church of Finland can be divided into support provided to immigrants and support provided to refugees. The Church also provides foreign aid to immigrants coming from Ingria. The parishes in Helsinki have several employees working with immigrants. Parishes provide different activities in foreign languages also in more than 10 of the biggest towns. Apart from the Evangelic Lutheran Church, the Orthodox Church and the Catholic Church have actively been working with those immigrants who are members of their parishes, and in the capital district the Pentecostal Church also has been active.

173. Furthermore, in March 1998 the Evangelic Lutheran Church arranged a seminar on racism in which more than 700 priests participated. At the end of the seminar the priests organized a demonstration on the stairs of the Helsinki Cathedral, announcing that "racism is sin". The strong expression of opinions by the Church attracted a lot of attention.

174. In addition, the National Church Board of the Evangelic Lutheran Church has set up a working group to consider how to develop church legislation so that attention will be paid to the representation of the Sami at the church assembly, and to the status of parishes where both Finnish and the Sami language are used. The working group has submitted a preliminary report on the representation of the Sami, suggesting that the Sami Parliament name one representative and two alternates to the church assembly. This proposal will most probably be implemented in the spring of 2000.

175 Innovative ways of promoting the status of immigrants in the labour market are emerging. For example, a businessman of Turkish origin who founded his successful company in 1995, has been named businessman of the year. In 1998, a Finnish electronics company was rewarded for employing immigrants. In addition, the Ministry of Labour is considering granting a special certificate to companies and associations that employ persons from various cultural backgrounds, such as immigrants. The certificate will probably be issued in November 1999 at the same time as the names are published of the first employers to whom the certificate will be granted.

Measures taken in the field of sports to promote tolerance

176 The new Sports Act (1054/1998) entered into force at the beginning of 1999. The objective of the Act is to promote tolerance and support multiculturalism.

177 Projects promoting tolerance in the field of sports have been carried out in the period 1996-1999 in cooperation with Finnish sports associations and the Finnish Sports Federation, which is an umbrella organization in the field of sports. The emphasis of activities has been on the local level. In four years the Ministry of Education has subsidized some 160 local, regional and nationwide programmes promoting tolerance through sports.

178 The Ministry of Education has commissioned a study for the purpose of investigating the participation of immigrants in sports activities, and the sports services directed to immigrants.

Media

179 In 1998, human rights were given a lot of attention in the mass media, partly due to the fiftieth anniversary of the Universal Declaration of Human Rights. Issues relating to immigrants and minorities have increasingly been addressed by newspapers and other mass media.

180 As regards services produced in different languages by the media, new legislation on radio and television operations entered into force at the beginning of 1999. As a part of the reform, Section 7 of the Act on the Finnish Broadcasting Corporation was amended (746/1998). The provisions on the duty to treat Finnish- and Swedish-speaking citizens equally and to produce services in the Sami language were amended, to ensure that services shall also be produced in the Roma language, in sign language and, where appropriate, in other languages spoken in the country.

181 In addition, the Sami people have their own radio channel, Sami Radio, broadcasing programmes in their home area for some 40 hours a week. There is also a television text service in the Sami language. The Roma have three quarterly papers published in Finnish and they contain some articles in the Roma language. Once a week a news programme in the Roma language is broadcast on a nation-wide radio network. The Finnish Broadcast Corporation also broadcasts news in Russian.

Information

Informing the public about the Convention

182. Having considered the thirteenth and fourteenth periodic report of the Government of Finland, the Committee on the Elimination of Racial Discrimination invited the State party to make its report and the Committee's concluding observations and summary records thereon widely available. The accepted individual communications procedure under article 14 of the Convention should also be widely publicized.

Publication of reports

183. During the past few years Finland has regularized both the preparation of national reports on the various human rights conventions and the dissemination of material relating to such preparation. First of all, apart from the authorities, at the beginning of the reporting process various non-governmental organizations, ombudsmen and advisory boards are invited to submit their views on what issues the Government should include in its report. Moreover, the Ministry for Foreign Affairs organizes a public hearing for non-governmental organizations and authorities before the national report is submitted.

184. As mentioned in the previous report, the Convention has been published in the Statutes of Finland Treaty Series. Furthermore, it has been published in Finnish, English and Swedish in the publication series of the Ministry for Foreign Affairs. This publication includes detailed information on the individual communications procedure under article 14 of the Convention. It is widely distributed and is also available at Edita book stores at a reasonable price. Furthermore, public databases, in particular those available on the Internet, are widely used in Finland. A digital database of statutes, which is accessible by public, has a Web site at http //finlex edita fi. The texts of international agreements in force in Finland will be included in this database

185. The periodic reports of the Government of Finland, to which concluding observations of the Committee are attached, are published in Finnish and English. The reports are widely distributed both to the public and the authorities. The reports are also published on the Internet at http //virtual finland fi/ministry/english/humanrights htm. The present report will also be made public.

186. The Committee's concluding observations submitted in March 1999 and a report on the hearing were distributed extensively to authorities, Parliament, the media and other interested parties. A press conference was also held.

187. The Ministry for Foreign Affairs is considering further ways to intensify distribution of information on the international human rights obligations of Finland, including those under the Convention on the Elimination of All Forms of Racial Discrimination, and on the periodic reports and the Committees' respective concluding observations.

Translations

188. With reference to the previous report, the Finnish Government had a translation made into Northern Sami of the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and Additional Protocols 1, 4, 6 and 7, as well as of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The translations were completed in 1997. Northern Sami is the most commonly used of the three languages spoken by the Finnish Sami. In Norway there already exist translations, into a Sami language used by the Norwegian Sami, of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The European Charter for Regional or Minority Languages was translated into Northern Sami in 1998.

LIST OF APPENDICES*

The initial report of Finland on the application of the Framework Convention for the Protection of National Minorities (Appendix 1);

The initial report of Finland on the application of the European Charter for Regional or Minority Languages (Appendix 2);

The report on the measures taken by the Ministries to implement the Decision-in-Principle on Measures for Promoting Tolerance and Combating Racism by the Anti-Racism Committee (Appendix 3);

Human rights and Finland's foreign policy - Report by Minister for Foreign Affairs Tarja Halonen to the Foreign Affairs Committee of Parliament on the Human Rights Policy of the Finnish Government, 11 November 1998 (Appendix 4);

The study on the Integration of Refugees in Finland in the 1990s (Appendix 5).

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* The appendices are available for consultation in the archives of the secretariat.